

amended to recite priority to that application. A copy of the declaration filed in the parent application is included as Exhibit 1 showing the priority application. Since the current application is a divisional application of the parent application, it is believed that no new declaration is required.

2. Drawings

The Examiner's objections to Figs. 3 and 4A have been addressed by correcting the reference signs as indicated in the Office Action. These corrections are indicated in red ink on the enclosed copy of Figs. 3 and 4A. A Letter to Official Draftsman is being filed concurrently herewith, requesting substitution of these figures in the formal drawings.

The Examiner's objection to Fig. 7A as including reference sign 110 not included in the description by adding reference sign 110 to the paragraph at p. 13, l. 32 – p. 14, l. 5.

3. Claims

Claims 11 – 13 and 18 – 38 have been examined. Claims 11 – 13, 18, 25 – 29, and 30 – 32 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 6,302,875 ("Makower") in view of U.S. Pat. No. 5,108,411 ("McKenzie"); Claims 19, 20, 33, and 34 stand rejected under 35 U.S.C. §103(a) as unpatentable over Makower in view of McKenzie and 5,484,424 ("Cottenceau"); and Claims 21 – 24 and 35 – 38 stand rejected under 35 U.S.C. §103(a) as unpatentable over Makower in view of McKenzie and U.S. Pat. No. 6,171,296 ("Chow"). The claim rejections are respectfully traversed.

A *prima facie* case under §103(a) requires, *inter alia*, that "there be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP 2143. In this instance, the Office Action fails to set forth a *prima facie* case because it articulates no basis for the combination, stating only that “[i]t would have been obvious to one having ordinary skill in the art at the time Applicant’s invention was made that a drive cable similar to that of McKenzie would be employed with the imaging catheter of a catheter system similar to that of Makower in order to rotate and extend a work element of the imaging catheter” (Office Action, ¶6). Applicants accordingly request a specific documentary showing of the suggestion or motivation to combine the references.

In this regard, Applicants note that Makower specifically teaches away from the modification proposed by the Office Action, and that such a modification would change the principle of operation of Makower, factors long recognized as indicating that there is *not* a motivation to combine the references. In particular, Makower specifically teaches an arrangement of a catheter system that permits rotational control of the distal portion of the catheter to be controlled manually. Such manual control is achieved with an arrangement of a catheter having an irregular cross section corresponding to an upper portion (42) through which a tissue-penetrating element is passed and a lower element (44) through which an imaging catheter is passed. As shown in Fig. 1g and described at Col. 7, l. 52 – Col. 1. 5 of Makower, this arrangement permits rotational force provided by an operator to be transmitted through the catheter to effect rotational motion at the distal end. Makower identifies a number of advantages resulting from such an arrangement (*see, e.g.*, Makower, Col. 8, ll. 5 – 20).

The suggestion in the Office Action to replace this arrangement with a drive cable for effecting rotation of a work element at the distal end of the catheter would completely change this principle of operation by removing the manual rotational control. There is accordingly, no motivation for the references to be combined in the way proposed by the Office Action.

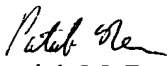
Appendix A is provided to show the changes made to the specification by underlining added material and enclosing deleted material in square brackets. Appendix B is provided to list all of the currently pending claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
DE 7096843 v1

APPENDIX A: VERSION WITH MARKINGS TO SHOW CHANGES MADE

Changes made to the specification by the foregoing Amendment are highlighted below by underlining added material and enclosing deleted material in square brackets.

The paragraph at p. 1, ll. 3 – 6 has been amended as follows:

CROSS-REFERENCES TO RELATED APPLICATIONS

This application claims the benefit of and priority from Provisional Application Serial No. 60/105,475, filed October 23, 1998, incorporated herein by reference for all purposes. This application is a divisional application of U.S. Appl. No. 09/425,495, the entire disclosure of which is herein incorporated by reference for all purposes, which is a continuation-in-part application of U.S. Pat. No. 6,050,949, filed September 8, 1998 and issued April 18, 2000.

The paragraph at p. 13, l. 32 – p. 14, l. 5 has been amended as follows:

Rotary transformer assembly 92 is rotatably disposed in a hub housing 110, such that the first and second set of windings are aligned with each other to form inductive coupling. An electrical current flowing within ferrite wire 100 will pass through the first set of ferrite windings, which creates a magnetic field around ferrite 98. The second set of windings on rotating ferrite 96 are within this magnetic field, which induces a corresponding electrical current flow through electrical transmission line 72. The reverse will also be true - a current flowing through the electrical transmission line will induce a current within ferrite wire 100.

APPENDIX B: PENDING CLAIMS

1. – 10. (Previously canceled)

11. (Unchanged) An improved catheter system of the type including (a) a tubular catheter body having a proximal tubular portion, a distal tubular portion, and a lumen therethrough, and (b) a drive cable rotatably received in the lumen, wherein the improvement comprises an intermediate tubular portion formed on the tubular catheter body of a transitional material between the proximal tubular portion and the distal tubular portion, the transitional material being of a higher flexural modulus than the distal tubular portion and of a lower flexural modulus than the proximal tubular portion.

12. (Previously Amended) The improved catheter system of claim 11, wherein the proximal tubular portion comprises a material taken from the group consisting of natural polymers, synthetic polymers, and plastic materials.

13. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion comprises a material taken from the group consisting of nylons, polyester, polyimides, polyolefins, and blends of such materials.

14. – 17. (Previously Canceled)

18. (Unchanged) The improved catheter system of claim 11, wherein the proximal tubular portion comprises a material taken from the group consisting of silicone rubber, natural rubber, polyvinylchloride, polyurethanes, polyesters, polyethylene, polytetrafluoroethylene (PTFE), and polyetheretherketone (PEEK).

19. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion is adhesively bonded with the proximal tubular portion and with the distal tubular portion.

20. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion is thermally bonded with the proximal tubular portion and with the distal tubular portion.

21. (Unchanged). The improved catheter system of claim 11, wherein the intermediate tubular portion has a length between 20 and 200 mm.

22. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion has a length between 40 and 100 mm.

23. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion is connected with the distal tubular portion at a point between about 100 and 400 mm from a distal end of the tubular catheter body.

24. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion is connected with the distal tubular portion at a point approximately 150 mm from a distal end of the tubular catheter body.

25. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion has a flexural modulus between 50 and 220 kpsi.

26. (Unchanged) The improved catheter system of claim 11, wherein the intermediate tubular portion has a flexural modulus between 150 and 190 kpsi.

27. (Unchanged) A catheter system comprising:

a tubular catheter body having a proximal tubular portion, an intermediate tubular portion, a distal tubular portion, and a lumen therethrough, wherein the intermediate tubular portion is formed on the tubular catheter body of a transitional material between the proximal tubular portion and the distal tubular portion, the transitional material being of a higher flexural modulus than the distal tubular portion and of a lower flexural modulus than the proximal tubular portion; and
a drive cable rotatably received in the lumen.

28. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion has a flexural modulus between 50 and 220 kpsi.

29. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion has a flexural modulus between 150 and 190 kpsi.

30. (Unchanged) The catheter system of claim 27, wherein the proximal tubular portion comprises a material taken from the group consisting of natural polymers, synthetic polymers, and plastic materials.

31. (Unchanged) The catheter system of claim 27, wherein the proximal tubular portion comprises a material taken from the group consisting of silicone rubber, natural rubber, polyvinylchloride, polyurethanes, polyesters, polyethylene, polytetrafluoroethylene (PTFE), and polyetheretherketone (PEEK).

32. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion comprises a material taken from the group consisting of nylons, polyester, polyimides, polyolefins, and blends of such materials.

33. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion is adhesively bonded with the proximal tubular portion and with the distal tubular portion.

34. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion is thermally bonded with the proximal tubular portion and with the distal tubular portion.

35. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion has a length between 20 and 200 mm.

36. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion has a length between 40 and 100 mm.

37. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion is connected with the distal tubular portion at a point between about 100 and 400 mm from a distal end of the tubular catheter body.

38. (Unchanged) The catheter system of claim 27, wherein the intermediate tubular portion is connected with the distal tubular portion at a point approximately 150 mm from a distal end of the tubular catheter body.



DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMPROVED SYSTEM AND METHOD FOR INTRALUMINAL IMAGING** the specification of which was filed on October 22, 1999 as Application No. 09/425,495 and was amended on April 26, 2001 (in response to Office Action mailed March 27, 2001) and July 24, 2001 (in response to Office Action mailed May 9, 2001).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/105,475	October 23, 1998

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/150,001	September 8, 1998	Issued as U.S. Pat. No. 6,050,949

Full Name of Inventor 1:	Last Name: WHITE	First Name: DAVID	Middle Name or Initial: A.
Residence & Citizenship:	City: San Jose Sunnyvale	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 895 CRAWFORD DR. 3723 Greymont Drive	City: San Jose Sunnyvale	State/Country: California Postal Code: 95186 94087
Full Name of Inventor 2:	Last Name: BELEF	First Name: WILLIAM	Middle Name or Initial: M.
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 1177 Britton Avenue	City: San Jose	State/Country: California Postal Code: 95125

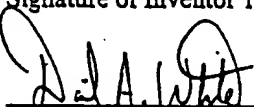

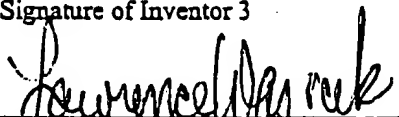
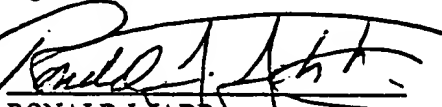
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APR 04 2003

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Full Name of Inventor 3:	Last Name: WASICEK	First Name: LAWRENCE	Middle Name or Initial:	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 940 Bimmerle	City: San Jose	State/Country: California	Postal Code: 95123
Full Name of Inventor 4:	Last Name: JABBA	First Name: RONALD J.	Middle Name or Initial:	
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 144 Oakdale Street	City: Redwood City	State/Country: California	Postal Code: 94062

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  DAVID A. WHITE	Signature of Inventor 2  WILLIAM M. BELEF	Signature of Inventor 3  LAWRENCE WASICEK
Date 12/12/01	Date 11.26.01	Date 11/19/01
Signature of Inventor 4  RONALD J. JABBA		
Date 11/19/01		

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Approved for use through 10/31/2002. OMB 0651-0031

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Application Number		09/862,811
Filing Date		May 22, 2001
First Named Inventor		White, David A
Group Art Unit		3736
Examiner Name		Marmor II, Charles Alan
Total Number of Pages in This Submission	Attorney Docket Number	
	012553-009215US	

ENCLOSURES (check all that apply)

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Firm and Individual name	Townsend and Townsend and Crew LLP	
	Patrick M. Boucher	Reg. No. 44,037
Signature	<i>Patrick M. Boucher</i>	
Date	March 24, 2003	

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Total Number of Pages in This Submission	Application Number	09/862,811
	Filing Date	May 22, 2001
	First Named Inventor	White, David A.
	Art Unit	3736
	Examiner Name	Marmor II, Charles Alan
Attorney Docket Number		012553-009215US

ENCLOSURES (Check all that apply)

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TECHNOLOGY CENTER R9700

Firm or Individual	Townsend and Townsend and Crew LLP	Reg. No. 44,037
Signature	<i>Patrick M. Boucher</i>	
Date	March 24, 2003	

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Signature	<i>Nina L. McNeill</i>	Date	March 24, 2003

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TOWNSEND AND TOWNSEND AND CREW LLP
JAMES M. HESLIN
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834



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ASSIGNOR:
WHITE, DAVID A.

DOC DATE: 04/27/2000

ASSIGNOR:
BELEF, WILLIAM M.

DOC DATE: 04/26/2000

ASSIGNOR:
WASICEK, LAWRENCE

DOC DATE: 02/24/2000

ASSIGNOR:
JABBA, RONALD J.

DOC DATE: 03/06/2000

ASSIGNEE:
SCIMED LIFE SYSTEMS, INC.
ONE SCIMED PLACE
MAPLE GROVE, MINNESOTA 55311-1566

SERIAL NUMBER: 09425495
PATENT NUMBER:

FILING DATE: 10/22/1999
ISSUE DATE:

05-30-2000



torney Docket No. 12553-009210

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Additional name(s) of conveying parties attached?

☐ Yes ☒ No

5-15-00

2. Name and address of receiving party(ies)

Name: SCIMED LIFE SYSTEMS, INC.

Internal Address: NA

Street Address: One Scimed Place

City: Maple Grove State: MN ZIP: 55311-1566

Additional names and addresses attached?

☐ Yes ☒ No

3. Nature of conveyance:

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Execution Date: Feb. 24, march 6, April 26 & 27, 2000

4. Application Number(s) or Patent Numbers.

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A. Patent Application No(s): 09/425,495

B. Patent No(s):

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Name: JAMES M. HESLIN
TOWNSEND AND TOWNSEND AND CREW LLP
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(415) 576-0200

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